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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,504	11/21/2003	Terry R. Galloway	039592-0012000	3010
22204 7590 04/24/2007 NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			EXAMINER LEWIS, BEN	
			ART UNIT	PAPER NUMBER
			1745	
			MAIL DATE	DELIVERY MODE
			04/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental
Notice of Allowability**

Application No.

10/719,504

Examiner

Ben Lewis

Applicant(s)

GALLOWAY, TERRY R.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/7/06.
2. ☒ The allowed claim(s) is/are 1-16 and 32-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Dannells on January 12th, 2007. The application has been amended as follows:

On page 1, at line 4 replace: "This application is a continued examination application of continuation-in-part application U.S. serial No. 10/719,504, filed on November 21, 2003 (published as Publication, NO. 200410115492 on June 17, 2004), which is a continuation-in-part of applications" with "This application is a continuation-in-part of application"

REASONS FOR ALLOWANCE

Claims 1-16 and 32-40 are allowed. The invention of independent claims 1 and 32 recites:

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A process for converting carbonaceous feedstocks into energy without the production of unwanted greenhouse gas emissions comprising:

- (a) converting a carbonaceous feedstock selected from the group consisting of coal, hydrocarbon oil, natural gas, petroleum coke, oil shale, carbonaceous-containing waste oil, carbonaceous-containing medical waste, carbonaceous-containing military waste, carbonaceous-containing industrial waste, carbonaceous-containing medical waste, carbonaceous-containing sewage sludge and municipal solid waste, carbonaceous-containing agricultural waste, carbonaceous-containing biomass, biological and biochemical waste, and mixtures thereof, and a greenhouse gas stream in a gasification unit to synthesis gas comprising carbon monoxide and hydrogen, said gasification unit is a non-catalytic high temperature, gas-phase indirectly heated kiln having an inlet means, a gas outlet means, and a solids outlet between the inlet means and the gas outlet means operating at a temperature gradient along the length of the kiln of about 200°C to about 1600°C (400-2900°F) and at conditions to achieve a gas exit temperature of from at least 700.degree. to about 1600.degree. C. (1300-2900.degree. F.);
- (b) electrochemically oxidizing at least a portion of said synthesis gas from said gasification unit in a first half-cell of a fuel cell (anode) to a first half-cell exit gas comprising carbon dioxide and water;
- (c) recovering the carbon dioxide from said first half-cell exit gas to serve as at least 20% of said greenhouse gas stream in step (a); and

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(d) electrochemically reducing an oxygen-containing gas in a second half-cell of said fuel cell (cathode) completing the circuit and resulting in the production of electrical energy.

The invention of independent claim 32 recites:

A process for converting carbonaceous feedstocks into energy without the production of unwanted greenhouse gas emissions comprising:

(a) converting a carbonaceous feedstock selected from the group consisting of coal, hydrocarbon oil, natural gas, petroleum coke, oil shale, carbonaceous-containing waste oil, carbonaceous-containing medical waste, carbonaceous-containing military waste, carbonaceous-containing industrial waste, carbonaceous-containing medical waste, carbonaceous-containing sewage sludge and municipal solid waste, carbonaceous-containing agricultural waste, carbonaceous-containing biomass, biological and biochemical waste, and mixtures thereof, and a greenhouse gas stream in a gasification unit to synthesis gas comprising carbon monoxide and hydrogen, said gasification unit is a non-catalytic high temperature, gas-phase indirectly heated kiln having an inlet means, a gas outlet means, and a solids outlet between the inlet means and the gas outlet means operating at a temperature gradient along the length of the kiln of about 200⁰C to about 1600⁰C (400-2900⁰F) and at conditions to achieve a gas exit temperature of from at least 700.degree. to about 1600.degree. C. (1300-2900.degree. F.);

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- (b) electrochemically oxidizing at least a portion of said synthesis gas from said gasification unit in a first half-cell of a fuel cell (anode) to a first half-cell exit gas comprising carbon dioxide and water;
- (c) electrochemically reducing an oxygen-containing gas in a second half-cell of said fuel cell (cathode) completing the circuit and resulting in the production of electrical energy.

The prior art does not teach or suggest a cell including all of the claimed features. The most pertinent art includes Taylor et al. (US 5,423,891), which discloses a method for direct gasification of solid waste materials wherein method and apparatus for direct gasification of solid waste by heating solid waste materials continuously in the absence of air to high temperature to directly produce a high BTU gas, and more particularly to a method and apparatus which utilizes a rotary retort and a flash calciner for significantly improving the efficiency of the direct gasification process (Col 1 lines 5-15). As will be seen hereinafter, for purposes of illustration, makeup HCS in the form of mill scale is supplied as needed to the circulating HCS to maintain the desired heat transfer to ensure that the waste water treatment plant sludge is heated to the desired 1200⁰F to 1400⁰F in the absence of oxygen to effect by pyrolysis, the direct gasification of the hydrocarbon content of the waste W (Col 3 lines 60-67). The rotary kiln 18, which may be a Fuller-Traylor rotary kiln, facilitates the high efficiency, near instantaneous heat transfer between the hot particles of the HCS and the hydrocarbon material waste

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W. The interior of the rotary kiln is sealed and the atmosphere lacks oxygen to prevent combustion, but instead causes the direct conversion of the hydrocarbon content of the waste W into carbon and gas. With the temperature of the HCS entering the rotary kiln at near 1800⁰F, this provides a ΔT of 400⁰F to 600⁰F. The temperature may be reduced to below 1400⁰F to minimize or prevent agglomeration of glass if the waste has significant glass content, depending upon whether glass is clear, green or brown glass, all having different melting temperatures. In a system 10 under a predescribed flow rate, a given weight HCS is heated in the flash calciner 16 to a temperature that, in turn, will heat the waste W in the rotary kiln 18 to a temperature adequate to effect the direct conversion of the hydrocarbons to carbon and gas, usually between 1200⁰F and 1500⁰F (Col 5 lines 41-67). In the preferred embodiment of the invention as exemplified by drawing FIGS. 1 and 2 and the process description within the specification employing the apparatus components operating under the method steps of the present invention, an effective indirect heating process results which effectively and cheaply directly converts hydrocarbons, carbohydrates, etc. into a high BTU gas and carbon (Col 9 lines 31-40).

The Taylor et al. reference does not teach or suggest having a temperature gradient along the length of the kiln of about 400⁰F to about 2900⁰F.

For these reasons, the claims are allowed over the prior art. Any comments considered necessary by applicant must be submitted no later than the payment of the

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issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ben Lewis whose telephone number is 571-272-6481. The examiner can normally be reached on 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ben Lewis

Patent Examiner
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DAH-WEI YUAN
PRIMARY EXAMINER